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## COMPENSATION TO PERSONS AWAITING TRIAL

usual. "The divorce proctor shall at once investigate the charges made and be prepared to advise the court on the hearing, as to the merits of the case." No hearing may be had for at least 60 days after filing the petition, unless the court makes an order declaring an emergency, stating therein its nature, the evidence to sustain it and the names of the witness who gave such evidence.

Common carriers and their servants are forbidden to remove the names of either consignor or consignee from shipments of intoxicating liquors. Ch. 249.

By Ch. 289, a board of corrections replaces older boards and both industrial schools (for boys and for girls), and the reformatory for young men of age 18 to 25 years, and the penitentiary are all placed under one management by said board.

Moving picture films and reels may not be exhibited until examined and approved by the state superintendent of public instruction.

The sterilization of habitual criminals, idiots, epileptics, imbeciles and insane by vasectomy or oophorectomy is authorized by Ch. 305. The managing officers of state institutions containing such classes are required to secure advice of competent surgical experts in addition to their own corps of physicians, to examine the inmates such as are deemed to be unfit for procreation. The physical and mental condition of such inmates shall be examined, and their history learned, and if such authorities think that such inmates would produce children with an inherited tendency to crime, insanity, feeble-mindedness, epilepsy, idiocy or imbecility and that there is no probability that such inmates will improve enough so as to render procreation advisable, or if the physical condition or mental condition of any such person will be improved by sterilization, then said physicians and experts shall report their conclusions to the district court or any court of competent jurisdiction, in and for the district from which such inmate has been committed to such institution. "The court shall then hear and determine the matter and if satisfied that the subject is an habitual criminal within the meaning of the act (i. e. a person convicted of felony involving moral turpitude), or is insane, or an idiot, imbecile or an epileptic and that the purpose of this act ("to prevent the procreation of habituals, idiots, epileptics, imbeciles and insane") will be accomplished by such order, shall adjudge that such operation shall be performed and shall appoint one of the authorities signing such report to perform the operation of vasectomy or oophorectomy, as the case may be, upon such person." "The county attorney of the county in which the hearing is had may be directed by the court to represent the state in the proceedings." "Such operations shall be performed in a safe and humane manner." Except as authorized by this act, any person who shall perform, encourage or assist in or otherwise promote the performing of either of these operations for the purpose of destroying the power to procreate the human species," or who shall permit such operations to be performed, unless of medical necessity, shall be fined not over \$1,000, or jailed not over one year or both.

A penalty is laid upon miners who take or keep over 25 pounds of explosives with them in any mine at any one time. Ch. 228.

J. C. RUPPENTHAL, Judge of the District Court, Russell, Kansas.

**For Compensation in Certain Cases to Persons Awaiting Trial.**—The following bill in the Massachusetts House has been recommended for reference to the next General Court:

## COMPENSATION TO PERSONS AWAITING TRIAL

An act relative to compensation in certain cases to persons confined while awaiting trial. (House No. 40.)

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section one of chapter five hundred and seventy-seven of the acts of the year nineteen hundred and eleven is hereby amended by striking out the said section and inserting in place thereof the following:

Section 1. Any person in this commonwealth who is kept in confinement awaiting trial for more than two weeks after having been arrested on a complaint or an indictment, and who is finally acquitted or discharged, if the delay in trial was not at his request or at the request of his attorney of record, shall receive compensation for the period of his confinement after the lapse of said two weeks and until his acquittal or discharge: *provided*, that the payment of compensation is approved by the judge who presided at the trial, or in case of a discharge without trial, is approved by a judge of the court in which the complaint was made or the indictment found. Such compensation shall be paid by the county in which the complaint was made or the indictment found, and shall be equivalent to the amount which the arrested person earned or received from regular employment for any period of equal length during the two years immediately preceding such confinement; and if the arrested person had no employment, the compensation shall be such sum as shall be determined by the judge, who is to approve the payment of compensation as above provided. The judge or justice, upon application by the person acquitted or discharged, shall give a hearing at which such person may be present and represented by counsel, and the district attorney or other officer representing the commonwealth or the county may also be present, and the person acquitted or discharged and the commonwealth or county may offer testimony as in any civil case. The decision of the judge or justice shall be final.

The law which the above bill was intended to amend is as follows: [CHAPT. 577.]

### AN ACT TO AUTHORIZE COMPENSATION IN CERTAIN CASES TO PERSONS CONFINED WHILE AWAITING TRIAL.

*Be it enacted, etc., as follows:*

SECTION 1. Any person in this commonwealth who is kept in confinement awaiting trial for more than six months after having been indicted, and who is finally acquitted or discharged without trial, if the delay in trial was not at his request or with his consent, or at the request or with the consent of his attorney of record, may receive compensation for the period of his confinement after the lapse of said six months and until his acquittal or discharge: *provided*, that the payment of compensation is approved by the judge who presided at the trial, or in case of discharge without trial, is approved by a justice of the superior court sitting at a session for criminal business in and for the county in which the indictment was found. Such compensation shall be paid by the county in which the indictment was found and shall be equivalent to the amount which the indicted person earned or received from his regular employment for any period of equal length during the two years immediately preceding his confinement; and if he had no employment, the compensation shall be such reasonable sum as shall be determined by the judge who presided at the trial, or, in case of a dis-

## JUSTICES OF THE PEACE IN ENGLAND

charge without trial, by a justice of the superior court sitting at a session for criminal business in and for the county in which the indictment was found. The judge or justice, upon application by the person acquitted or discharged, shall give a hearing at which such person or his representative may be present, if he so desires, and the district attorney or other officer representing the commonwealth or the county may also be present, and the person acquitted or discharged and the commonwealth or county may offer testimony as in any civil case. The decision of the judge or justice shall be final.

SECTION 2. This act shall take effect upon its passage. [Approved June 22, 1911.] R. H. G.

**Selection of Justices of the Peace in England.**—There is a Royal Commission appointed in England to consider and report upon the selection of justices of the peace. In a report made to the commission by a committee of the Penal Reform League the following objections to the present method of selection are presented:

"First, the opinion is widely held that justices of the peace, especially in country districts, are, as the result of their mode of selection, in a large proportion of instances, biased in favor of the propertied classes.

"Second, it is objected that benches of justices are in danger of becoming mere juries, with the clerk acting as the judge to inform them as to the law and even instructing them as to the evidence. This is attributed primarily to the fact that chairmen of district councils sit on the bench *ex officio*, and thirdly to the practice of making political appointments which sometimes result in the appointment of justices who cannot speak English.

"It not infrequently happens that persons are recommended for appointment by members of parliament or prominent members of a political party as a reward for party service, and, though this is applicable to members of either party, still in country districts it is conservative views that for the most part provide the necessary qualification for appointment.

"We conclude, then, that there exists, for various reasons, considerable and wide spread want of confidence in the justices of the peace as at present selected, which of itself must militate against the successful administration of justice; that the selection of justices is often, if not generally, founded on, or influenced by, considerations other than their probable efficiency as magistrates; and that appointment to the Commission of the Peace is coveted in itself as a social distinction, and in some cases for the trade advantages."

Before suggesting improvement the committee undertakes to lay down what it understands to be the principles and ideals which should underlie any system of reform on this point it says:

"We think—and we understand that the best magistrates do, in fact, hold similar views—that a court of justice, especially a local court of summary jurisdiction, should be a place where all kinds of people, good and bad, high and low, can be sure of meeting with courtesy and sympathy, with impartial consideration and well-weighed judgment, and an appeal to, and faith in, their better nature. The court should be a place with a bracing and elevating tone and atmosphere, not depressing or humiliating. People should come there for moral assistance or for a helping hand, rather than for revenge or for punishment. In a word, a court should be a center for regenerative influences. And the justices who preside over it should be fit agents of such influences.